

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

TESFA MILLER,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:19-cv-01404-ACA-SGC
)	
WILLIAM BARR, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

Before the court is Tesfa Miller’s petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241. (Doc. 1). The magistrate judge entered a report recommending that the court dismiss the petition without prejudice as premature. (Doc. 23). The magistrate judge advised the parties of their right to file specific written objections within fourteen days of the entry date of the report. (*Id.* at 7). The court has not received any timely objections.

However, while the report and recommendation was pending before this court, Respondents filed a motion to dismiss the petition as moot because the immigration court terminated Mr. Miller’s removal proceedings, and U.S. Customs and Immigration Enforcement (“ICE”) has released Mr. Miller from custody. (Doc. 24). Mr. Miller’s release from ICE custody renders his petition moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) (“[A] case must be dismissed as moot

if the court can no longer provide ‘meaningful relief.’”); *Soliman v. United States*, 296 F.3d 1237, 1242-43 (11th Cir. 2002) (once a habeas petitioner is no longer detained, “no order . . . requiring [his] release into the community awaiting his final removal order could have any effect”).

Because Mr. Miller’s release from custody divests this court of subject matter jurisdiction over the case, the court **REJECTS** the magistrate judge’s report and recommendation to dismiss this action on the merits. The court **GRANTS** Respondents’ motion to dismiss the § 2241 petition as moot and **WILL DISMISS** the petition **WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

The court will enter a separate final order in accordance with this memorandum opinion.

DONE and **ORDERED** this August 27, 2020.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE